

10/554150  
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Customer No. 22,852  
Attorney Docket No. 03327.02337

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Hiroyuki KOSHIO et al.	)	
	)	Group Art Unit:
Application No.: Not Yet Assigned	)	
	)	Examiner:
Filed: October 21, 2005	)	
	)	
For: 4,4-DIFLUORO-1,2,3,4-	)	
TETRAHYDRO-5H-1-	)	
BENZAZEPINE DERIVATIVES	)	
OR SALT THEREOF	)	

**U.S. National Phase of International PCT Application No. PCT/JP2004/005998**

**MAIL STOP PCT**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§1.56 and 1.97(b), applicants bring to the Examiner's attention the documents listed on attached Form PTO/SB/08 and cited in the international search report. Copies of the listed foreign documents and non patent literature document are attached. Applicants respectfully request that the Examiner consider the documents listed on attached Form PTO/SB/08 and indicate that they were considered by making an appropriate notation on this form.

This Information Disclosure Statement is being filed with the above-referenced application.

The following are listed on the accompanying PTO/SB/08 and are in a non-English language:

1. International Publication No. WO 95/06035, which corresponds to U.S. Patent No. 5,710,150. The relevance of this document is also discussed at page 4 of the specification of the present application.
2. International Publication No. WO 98/39325, which corresponds to U.S. Patent No. 6,340,678. The relevance of this document is also discussed at page 4 of the specification of the present application.
3. Japanese Application No. 09-221475 - The relevance of this document is discussed at page 4 of the specification of the present application. An English language abstract and translation of this document is also enclosed.
4. Japanese Application No. 2926335 - This document corresponds to Japanese Application No. 11-060488, for which an English language abstract and an English language translation of the claims are also enclosed. The relevance of this document is also discussed at page 4 of the specification of the present application.
5. Japanese Application No. 8-301848
6. Japanese Application No. 11-349570 which corresponds to U.S. Patent Application Publication No. 2002/0049194; U.S. Patent Nos. 6,096,735; 6,335,327; and 6,642,223. The relevance of this document is also discussed at page 4 of the specification of the present application.

7. Japanese Application No. 2000-351768 which corresponds to U.S. Patent Application Publication No. 2002/0049194; U.S. Patent Nos. 6,096,735; 6,335,327; and 6,642,223. The relevance of this document is also discussed at page 4 of the specification of the present application.

8. Japanese Application No. 3215910 which corresponds to U.S. Patent Application Publication No. 2002/0049194; U.S. Patent Nos. 6,096,735; 6,335,327; and 6,642,223. The relevance of this document is also discussed at page 4 of the specification of the present application.

9. Japanese Application No. 9-221476 - An English language abstract and an English language translation of the claims are also enclosed.

In lieu of a statement of relevance or the translation of the non-English documents 1, 2, 5, and 9, enclosed is an English-language international search report from the Japanese Patent Office in the PCT international application, from which this national phase U.S. application is derived, citing these documents and setting forth the relevance thereof.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents. Applicants further reserve the right to take

appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: October 21, 2005

By: David W. Hill  
David W. Hill  
Reg. No. 28,220

Enclosures  
DWH/FPD/gah

10/554150

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)				Application Number	
				Filing Date	October 21, 2005
				First Named Inventor	Hiroyuki KOSHIO
				Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	03327.2337

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-6,547,395 B1	04-15-2003	Neal et al.	
		US-2003/0087892 A1	05-08-2003	Ashworth et al.	
		US-6,096,736	08-01-2000	Ogawa et al.	
		US-2002/0049194 A1	04-25-2002	Ogawa et al.	
		US-6,096,735	08-01-2000	Ogawa et al.	
		US-6,335,327 B1	01-01-2002	Ogawa et al.	
		US-6,642,223 B2	11-04-2003	Ogawa et al.	
		US-5,710,150	01-20-1998	Taniguchi et al.	
		US-6,340,678 B1	01-22-2002	Matsuhisa et al.	

Note: Copies of the U.S. Patent Documents are not Required in IDS filed after October 21, 2004

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO-99/06409	02-11-1999	AMERICAN HOME PRODUCTS CORPORATION		
		WO-99/06403	02-11-1999	AMERICAN HOME PRODUCTS CORPORATION		
		WO-00/46224	08-10-2000	AMERICAN HOME CORPORATION		
		WO-01/49682 A1	07-12-2001	FERRING BV		
		WO-9/22591	06-26-1997	OTSUKA PHARMACEUTICAL		
		WO-95/06035	03-02-1995	YAMANOUCHI PHARMACEUTICAL CO., LTD.		No
		WO-98/39325	09-11-1998	YAMANOUCHI PHARMACEUTICAL CO., LTD.		No
		JP-9-221475	08-26-1997	YAMANOUCHI PHARMACEUTICAL CO., LTD.		Yes
		JP-2926335	05-14-1999			No
		JP-9-221476	08-26-1997			Abstract and Claims Only
		JP-3215910	08-03-2001			No
		JP-2000-351768	12-19-2000			No
		JP-11-349570	12-21-1999			No
		JP-8-301848	11-19-1996			No

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete if Known <b>10/554150</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>				Application Number	
				Filing Date	October 21, 2005
				First Named Inventor	Hiroyuki KOSHIO
				Art Unit	
				Examiner Name	
Sheet	2	of	2	Attorney Docket Number	03327.2337

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>8</sup>
		Ogawa et al.; "PHARMACEUTICAL COMPOSITION"; Patent Abstracts of Japan of JP 11-060488, March 2, 1999	

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.